

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DHIRAJ SHADIJA, *on behalf of himself and* Plaintiff : 24-CV-3502 (VSB)
FLSA Collective Plaintiffs, :
:
-against- : **ORDER**
:
APOLLO MANUFACTURING INC., *et al.*, Defendants. :
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Appearances:

Taimur Alamgir
TA Legal Group PLLC
Huntington, NY
Counsel for Plaintiffs

Stephen D. Hans
Nils C. Shillito
Stephen D. Hans & Associates, P.C.
Long Island City, NY
Counsel for Defendants

VERNON S. BRODERICK, United States District Judge:

On November 21, 2024, I ordered, among other things, Plaintiffs to file an affidavit of service with regard to Defendant Alaska Gold Trading Company. (Doc. 31.) On December 6, 2024, Plaintiffs requested additional time to file a response to that order. (Doc. 34.) On December 9, 2024, Plaintiffs filed a notice of voluntary dismissal as to Defendant Alaska Gold Trading Company. (Doc. 35.) Therefore, Plaintiffs' request for additional time to file a response, (Doc. 34), is moot.

On July 10, 2024, Defendants Apollo Manufacturing Inc., Jai Sadhwani, and Alicia Sadhwani (the "Defendants") moved to dismiss the complaint. (Doc. 20.) On December 30,

2024, Plaintiffs filed a letter-motion requesting (1) leave to file a first amended complaint and (2) an extension of time to oppose Defendants' motion to dismiss. (Doc. 39.) The letter-motion also attached a redline of the proposed first amended complaint against the original complaint. (Doc. 39-1.) On January 2, 2025, I granted both requests and ordered that (1) Plaintiffs have until January 6, 2025 to respond to Defendants' motion to dismiss and (2) "Defendants' response, if any, to Plaintiffs' letter-motion for leave to file an amended complaint is due January 13, 2025." (Doc. 40.) Plaintiffs filed their opposition to the motion to dismiss on January 6, 2025. (Doc. 41.) To date, Defendants have not filed any opposition to Plaintiffs' letter-motion for leave to file a first amended complaint. Because it is unopposed, Plaintiffs' request for leave to file the first amended complaint is GRANTED. Accordingly, it is hereby:

ORDERED that Plaintiffs file the First Amended Complaint within seven (7) days.

ORDERED that Defendants' pending motion to dismiss, (Doc. 20), is denied as moot without prejudice to file an answer or refile a new motion to dismiss in accordance with Federal Rule of Civil Procedure 15(a)(3). *See Pettaway v. Nat'l Recovery Sols., LLC*, 955 F.3d 299, 303–04 (2d Cir. 2020).

The Clerk of Court is respectfully directed to terminate Document 20 and Document 34 as moot.

SO ORDERED.

Dated: January 24, 2025
New York, New York



Vernon S. Broderick
United States District Judge